

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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SALMA AGHA-KHAN, MD.,

Plaintiff,

v.

THE BANK OF NEW YORK MELLON, et
al.,

Defendants.

Case No. 2:16-cv-02651-RFB-PAL

ORDER

(Mot Demand Security Costs – ECF No. 14)

Before the court is SFR Investments Pool 1, LLC's ("SFR") Demand for Security of Costs Pursuant to NRS 18.130(1) (ECF No. 14).

SFR has attempted to serve Plaintiff at her Nevada address, to no avail. The motion is supported by an affidavit of due diligence which indicates a process server attempted to serve Plaintiff with SFR's answer at the address listed on the complaint. A man answered the door and indicated Plaintiff had not lived there for a long time. SFR asserts that in her complaint Plaintiff states she is an individual residing in Los Angeles, California, and requests that Plaintiff be required to post a \$500.00 cost bond within 30 days of this order, and that the proceedings be stayed until the bond is posted pursuant to NRS 18.130(1).

The complaint actually states that Plaintiff is a medical doctor who is and has been residing in Los Angeles County and Kern County, California and Clark County, Nevada. Plaintiff has been served at the Las Vegas address listed on her complaint, and other filings with the court since the complaint was filed on November 18, 2016. None of the documents that have been served on her have been returned as undeliverable. Plaintiff has responded to orders served on her at the address listed on the complaint. The motion is supported by an affidavit of attempted service that indicates that on one occasion on November 21, 2016 service was attempted at 8521 Cooper Falls Dr. in

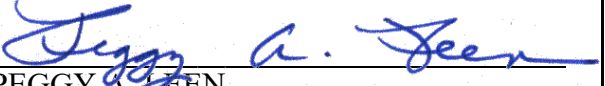
1 Las Vegas and an unidentified man who answered the door claimed that Plaintiff “has not lived at
2 the address for a long time and that her whereabouts are not known.” If, as alleged, she is a medical
3 doctor it should be a simple matter to identify the state(s) in which she is licensed to practice
4 medicine. In short, the motion does not establish that Plaintiff is a non-resident required to post a
5 security for costs bond. The court will, however, require Plaintiff to provide a declaration under
6 penalty of perjury stating the basis for her claim that she resides in Clark County Nevada as well
7 as Los Angeles County and Kern County, California.

8 Plaintiff is also advised that pursuant to Local Rule IA 3-1 she is required “to immediately
9 file with the court written notification of any change of mailing address, email address, telephone
10 and facsimile number. The notification must include proof of service on each opposing party or
11 the party’s attorney. Failure to comply with this rule may result in the dismissal of the action,
12 entry of default judgment, or other sanctions as deemed appropriate by the court.”

13 **IT IS ORDERED** that SFR Investments Pool 1, LLC’s Demand for Security of
14 Costs Pursuant to NRS 18.130(1) (ECF No. 14) **DENIED without prejudice.**

15 **IT IS FURTHER ORDERED** Plaintiff Salma Agha-Khan shall have until **February 9,**
16 **2017**, to file a declaration under penalty of perjury explaining where she resides, and on what basis
17 she claims to be a resident of Clark County, Nevada as well as Los Angeles County and Kern
18 County California. Failure to timely comply with this order may result sanctions up to and
19 including that Plaintiff’s complaint be dismissed.

20 DATED this 26th day of January, 2017.

21 
22 PEGGY A. LEEN
23 UNITED STATES MAGISTRATE JUDGE
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